

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

YESENIA RODRIGUEZ

Plaintiff

vs

CIVIL 04-2199CCC

MANPOWER
TNT LOGISTICS, INC.
CARLOS ORTIZ
CARLOS JIMENEZ
HEWLETT PACKARD
BRENDA PEREZ

Defendants

O R D E R

The Court has before it the following related motions which by inadvertence have not been ruled upon:

Defendant Manpower Inc.'s Motion to Compel Compliance With Discovery Requests (docket entry 32)

Defendant TNT Logistics and Manpower Inc.'s Joint Motion to Extend Dispositive Motion Deadlines (docket entry 33)

TNT Logistics, Inc., Carlos Ortiz and Carlos Jiménez' Motion to Compel Discovery and Second Request to Extend Deadline for Dispositive Motions (docket entry 34)

Defendant Manpower Inc.'s Motion to Continue Pretrial/Settleent Conference and Trial (docket entry 35)

Defendant Manpower Inc.'s Motion for Leave to File Motion for Summary Judgment (docket entry 36)

Plaintiff's Motion for Time to Oppose Summary Judgment (docket entry 41) and

The Second Motion to Compel Discovery and Third Request for Continuance of Pretrial and Trial filed by co-defendants TNT Logistics, Inc., Carlos Jiménez and Carlos Ortiz (docket entry 46)

The circumstances outlined in the motions to compel compliance with discovery requests reveal a situation of abandonment by plaintiff and her counsel regarding discovery deadlines and her obligations which have caused undue delay to defendants. After the filing of docket entry

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32 by Manpower, Inc. and docket entry 34 by TNTLogistics, Inc., Ortiz and Jiménez defendants, defendant Manpower, Inc. Informed in its Motion to Continue Pretrial and Trial (**docket entry 35**), now MOOT, that it had received plaintiff's answers to the interrogatories, however, the same "... failed to sufficiently answer a large portion of the Interrogatories. . ." (page 2, docket entry 35). Defendants TNT Logistics, Inc., Carlos Jiménez and Carlos Ortiz request in their Second Motion to Compel (docket entry 46) that they be allowed to depose all of the witnesses announced by plaintiff in her initial Rule 26 disclosures.

Having examined the motions listed above the Court rules as follows:

1) Manpower, Inc.'s Motion to Compel filed on July 19, 2005 (**docket entry 32**) is GRANTED. Plaintiff shall provide the outstanding information set forth at paragraph 7 of that motion on or before March 1, 2006, if it has not already done so.

2) Joint Motion of defendants for extension until September 28, 2005 to file dispositive motions (**docket entry 33**) is MOOT.

3) TNT Logistics, Inc., Carlos Ortiz and Carlos Jiménez' First Motion to Compel Discovery and Extension of Deadline for Dispositive Motions (**docket entry 34**) is GRANTED as to the dispositive deadline extension and DENIED as to the Motion to Compel insofar as movants state that plaintiff's June 30, 2004 response to their request for production of documents is inadequate yet no proof of compliance with Local Rule 26(b) was submitted; said motion to compel as to the Rule 26 initial disclosure is MOOT (see docket entry 46).

4) TNT Logistics, Inc., Ortiz and Jiménez defendants' Second Motion to Compel Discovery and Third Request for Continuance (**docket entry 46**) is MOOT as to the latter and GRANTED as to the motion to compel. Given that plaintiff announced witnesses in her extremely late Rule 26 initial disclosures, both movants and co-defendant Manpower, Inc. are allowed to depose all of the witnesses announced by plaintiff in her Rule 26 letter dated October

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20, 2005 within a sixty-day period expiring on April 10, 2006. Plaintiff is expressly admonished that she will be precluded to use as a trial witness anyone whose deposition is notified and who fails to appear.

Manpower Inc.'s Motion for Leave to File Motion for Summary Judgment (**docket entry 36**) is GRANTED.

Plaintiff's Motion for Extension to Oppose Manpower Inc.'s Motion for Summary Judgment (**docket entry 41**) is MOOT, plaintiff's Opposition filed (docket entry 43) is ALLOWED.

SO ORDERED.

At San Juan, Puerto Rico, on February 8, 2006.

S/CARMEN CONSUELO CEREZO
United States District Judge